

PATENT

Attorney Docket: 7044-X06-007A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/596,938

Confirmation No. 2587

Filed: June 29, 2006

Group Art Unit: 2431

For: SYSTEM AND A METHOD FOR AUTHORIZING  
PROCESSES OPERATIONS ON INTERNET AND INTRANET SERVERS

**ATTENTION: LEGAL OFFICE PCT**

**RENEWED PETITION UNDER 37 CFR 1.181**

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Further to the Decision on our Request for Refund mailed July 28, 2009, Applicant respectfully submits this Renewed Petition Under 37 CFR 1.136(a) for a refund for the above-identified matter as set forth below.

On June 29, 2006, an electronic filing of a U.S. national stage application for PCT Application No. PCT/IL04/01191 was initiated. An error occurred during the filing, so the electronic filing process was repeated. At the time, Applicant did not realize that during the aborted filing, an application number (10/596,938) was assigned. However, during the initial failed filing process, no fees were paid. The application was re-filed with proper fee payment and the application number 10/596,940 was assigned.

After completing the re-filing process, Applicant realized that the aborted filing resulted in an application number (10/596,938) being assigned. A telephone call was made to the United States Patent and Trademark Office, and we were advised that a Notice of Missing Requirements would be mailed and the application would become abandoned if the fees were not paid. In light of the requirement to pay the basic

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national filing fee upon the filing of a U.S. National Stage Application, Applicant accepted this suggestion and was under the impression that the '938 application would simply go abandoned. In fact, during the period of time since the initial filing, Applicant has prosecuted the 10/596,940 application and has now received a Final Office Action dated May 5, 2009.

However, 10/596,938 did not go abandoned. Instead, on May 29, 2009 a Notice of Acceptance of Application and Filing Receipt for Application No. 10/596,938 was mailed. In addition, a \$300.00 fee was deducted from Deposit Account No. 500601 on May 26, 2009.

After receiving the Notice of Acceptance, we immediately filed a Petition to Request Refund of the \$300. The petition was dismissed, claiming that we did not meet the three criteria required:

1. The request for refund must be filed within 3 months of the first application receiving an acknowledgement by the office (acknowledgement receipt, filing receipt, etc);
2. Petitioner must certify that any later-filed application were submitted prior to receiving confirmation of receipt of the first-filed application;
3. The request for refund must include a statement by a registered practitioner or a person having first-hand knowledge that the duplicate application was intended to be the original application.

With regard to criteria 1, we requested a refund within 3 months of being charged the fees. The fees were charged on May 26, 2009 and the request was filed June 5, 2009. This was also within three months of receiving the filing receipt (the filing receipt was dated May 29, 2009). It would have been impossible for us to comply with the requirements of criteria 1 at the time the electronic acknowledgment receipt was issued by the USPTO, as no fees were charged at this time and thus there was nothing to refund.

With regard to criteria 2, the undersigned certifies that it was not until the re-filing process was completed for 10/596,940 that we received confirmation of receipt of the first-filed application by looking at the USPTO website;

With regard to criteria 3, the undersigned hereby states that the duplicate application was intended to be the original application.

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We are submitting this Renewed Petition within two months of the mail date of the Decision. Accordingly, we are resubmitting this request for a refund of \$300 to be credited to the Deposit Account of the undersigned, Account No. 500601 (Docket No.:7044-X06-007A).

Respectfully submitted,

/Paul D. Bianco/

Paul D. Bianco, Reg. # 43,500

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